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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEFFREY B. GUINN

Appellant,

vs.

CDR INVESTMENTS, LLC, a Nevada Limited Liability Company; DONNA A. RUTHE as trustee for the CHARLES L. RUTHE TRUST and on behalf of his Individual Retirement Account; DONNA A. RUTHE, in her representative capacity as trustee for the FRANK E. GRANIERI REVOCABLE LIVING TRUST

Respondents.

Case No. BK-S-13-18986-BTB
CHAPTER 7

Adversary No. BK-S-14-01007-BTB

Case No: 2:19-cv-00649-JAD

**STIPULATION PURSUANT TO
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 8018(e)**

ORDER

Appellant Jeffrey B. Guinn (“Appellant”), by and through his attorney of record, the law firm of Bailey❖Kennedy, and Respondents CDR Investments, LLC and Donna A. Ruthe, as trustee for the Charles L. Ruthe Trust and his individual retirement account and the Frank E. Granieri Revocable Trust (“Respondents”), by and through their attorneys of record, the law firm of Sylvester & Polednak, Ltd., hereby STIPULATE AND AGREE that:

- On February 21, 2020, Appellant filed an extensive Designation of Record and Statement of Issues on Appeal From Bankruptcy Court pursuant to Federal Rule of Bankruptcy Procedure 8009 [Dkt. # 463 in Adversary No. BK-S-14-01007-BTB] (the “Record”).

- On March 9, 2020, the Deputy Clerk of the Bankruptcy Court filed a Certificate of Readiness with this Court, deeming the Record complete [Dkt. # 7].
- The Record identifies the relevant transcripts for the Appeal (which were already filed with the Bankruptcy Court and are available to this Court via CM-ECF).
- The Record also identifies most of the documents required for the Appendix under Federal Rule of Bankruptcy Procedure 8018(b).
- Finally, the Record identifies and attaches a copy of any relevant admitted exhibits for the Appeal.
- Accordingly, most, if not all, of the necessary documents for the Appendix have already been identified by docket number (if already filed) or attached (*i.e.*, trial exhibits) to the Record.
- Due to the COVID-19 Pandemic, undersigned counsel is currently working remotely, and it would be difficult to coordinate the preparation and completion of an extensive Appendix with the firm's paralegal.
- Under Federal Rule of Bankruptcy Procedure 8018(e):

Appeal on the Original Record Without an Appendix. The district court or BAP may, either by rule for all cases or classes of cases or by order in a particular case, dispense with the appendix and permit an appeal to proceed on the original record, with the submission of any relevant parts of the record that the district court or BAP orders the parties to file.
- Due to the above and due to the completeness of the Record, the Parties request that this Court approve use of the Record in lieu of an appendix pursuant to Federal Rule of Bankruptcy Procedure 8018(e).
- Citation to the Record in the Parties' respective appellate briefs shall be consistent with typical citation practice in this Court. For example, citation to a certain page of Exhibit 1131 contained within the Record would be as follows: Exhibit 1131 – Opening Package [Dkt. # 463-1, Page 4 of 722].

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- If any other documents that are not included in the Record must be cited during the Appeal, or this Court orders any additional documents to be filed pursuant to Federal Rule of Bankruptcy Procedure 8018(e), the Parties will attach them as exhibits to their respective appellate briefs.

DATED this 20th day of April, 2020.

DATED this 20th day of April, 2020.

SYLVESTER & POLEDNAK, LTD.

BAILEY ♦ KENNEDY

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IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: 4/24/2020